

# COMMON COUNCIL



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*I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 14<sup>th</sup> day of November, 2013, that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 12<sup>th</sup> day of November 2013.*

## **AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 26-15 OF THE WINCHESTER CITY CODE PERTAINING TO THE TIME REQUIRED TO REMOVE SNOW AND ICE FROM SIDEWALKS**

**WHEREAS**, Section 26-15 of the City Code specifies the requirements for tenants, occupants, and property owners to remove snow and ice from the public sidewalks within the City; and

**WHEREAS**, it is important for the safety of the public and to help ensure that Winchester is a walk-able community throughout the year that the sidewalks are cleared from ice and snow in a timely manner; and

**WHEREAS**, there is a desire to modify this section of the City Code to more clearly define the requirements for snow and ice removal and to make the requirements more concise.

**NOW, THEREFORE BE IT ORDAINED**, that Section 26-15 of the Winchester City Code is hereby amended and re-enacted to read as follows:

### **SECTION 26-15. DUTY OF PROPERTY OWNERS OR OCCUPANTS TO REMOVE SNOW AND ICE FROM SIDEWALKS.**

- (a) The tenant or occupant or, in case there shall be no tenant or occupant, the owner or any person **responsible for** having the care of any building or lot of land abutting on any curbed or paved sidewalk within the corporate limits of the city shall **remove the snow or sleet from such sidewalk within twenty-four (24) hours after the snow or sleet has ceased to fall when the total snow accumulation is six inches or less and within forty-eight (48) hours after the snow or sleet has ceased to fall when the snow accumulation is greater than six inches.** , if in the daytime, within two (2) hours after any snow or sleet has ceased to fall and, if in the nighttime, before 9:00 a.m. on the day succeeding, cause the same to be removed from such sidewalk, provided, that **In cases of sleet or ice that, when it cannot be removed without injury to the pavement of the sidewalk, the sidewalk shall be covered within twenty-four hours after the ice or sleet has ceased to fall** the same period of time with sawdust, ashes or some other material which will render the sidewalk safe for travel.

- (b) Where conditions set forth in subsection (a) above are not complied with, ~~and the street on which the property is located has been plowed by the City's forces or agents, the~~ **Zoning and Inspections Director** ~~chief of police or his designee shall immediately notify the tenant,~~ **owner or person responsible for care of the building or lot of land abutting the curbed or paved sidewalk.** ~~occupant, and~~ Such notification shall be served by a member of the **Zoning and Inspections Department** ~~police department.~~
- (c) ~~If the conditions set forth in subsection (a) and (b) above are not complied with within twenty four (24) hours from the time of the notification, the chief of police may cause the tenant, owner or occupant to be charged with a violation of this section.~~
- (c) If **the conditions set forth in subsection (a) are not complied with** after **within** twenty-four (24) hours from the time of **service of the** notice provided in subsection (b) ~~the conditions set forth in subsection (a) are not complied with, the City may cause the conditions to be complied with~~ **by hiring a contractor to remove the snow or sleet from the sidewalk.** The cost thereof shall be charged to and collected from the owner; ~~occupant or occupants of the property.~~ **Such collection may be** affected in any manner provided by law **including but not limited to** ~~for~~ the collection of state and local taxes. **Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Code of Virginia §§58.1-3940 et seq. and §§58.1-3965 et seq. The City may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.** (Code 1959, §22-21; Ord. of 6-14-78)(Ord. No. 042-95, 9-12-95)

State Law Reference—Authority for above section, Code of Virginia, §15.1-867**1115**.

Ordinance No. 2013-33

ADOPTED by the Common Council of the City of Winchester on the 12<sup>th</sup> of November, 2013.

*Witness my hand and the seal of the City of Winchester, Virginia.*

*Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council*